Firearms

Policies to prevent firearm trafficking

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Measures to prevent firearms moving from the licit to the illicit market within the US can also reduce international trafficking

Excluding military conflicts, firearms are used in >200 000 deaths annually,¹ including nearly 30 000 in the US alone,² and 7–8 million new firearms are manufactured each year worldwide.³

Firearm manufacturers typically market their products through a network of licensed distributors and dealers, before the gun is sold to an individual buyer. Virtually every firearm used to commit a homicide or other violent crime was first purchased from a licensed dealer by someone deemed to be legally eligible.

Typically, however, the individuals who use firearms to commit violent crimes are not the initial lawful purchasers, but have instead obtained firearms through an illicit market. The secondary market in firearms—which includes guns acquired from private individuals both legally and illegally—is largely unregulated, making it difficult to hold people who supply guns to criminals accountable for their actions. However a number of policies can be implemented to enhance accountability and thereby prevent violent injury and death.

US POLICIES TO PREVENT TRAFFICKING

Improved licensing and oversight of dealers

People in the business of selling firearms in the US must obtain a federal firearms license issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), and maintain records of their inventory and the guns they sell.⁴ Corrupt firearm dealers are an important source of guns for criminals.⁵ In one analysis, just 1% of licensed dealers were responsible for almost 60% of guns traced to crime.⁶ Under a federal law enacted in 1986, however, BATFE is limited in its ability to inspect and punish dealers who funnel guns to criminals.⁷ States could fill this void by requiring their own state license in addition to the federal license, and by engaging in routine inspection and oversight of dealers. But only 17 states require a state license, and only two mandate regular inspection of dealers.⁸ Enhanced oversight of dealers by law enforcement,

including undercover sting operations, is associated with reduced trafficking.^{9 10}

Screening of all firearm purchasers

Most firearm control policies in the US are designed to keep firearms away from dangerous people. In the US, purchasers of firearms from licensed dealers must undergo a background check to verify their eligibility status. Convicted felons, certain misdemeanants and several other categories of prohibited people may not lawfully purchase or possess firearms.¹¹

Unlike purchases from licensed dealers, when a buyer acquires a firearm from a private seller, federal law does not require a background check. Fifteen states require background checks for private sales of handguns, but even in those states enforcement may be limited.¹² As a result, people without a criminal history can purchase firearms from a dealer and then sell them to prohibited purchasers with little risk. Sometimes a prohibited purchaser will even specifically direct someone else to buy the gun for them. This is a so-called “straw purchase.” In one study, more than half of the dealers surveyed were willing to facilitate this kind of illegal sale.¹³ Laws regulating private sales, if properly enforced, could reduce trafficking by holding the private seller criminally accountable for an unlawful sale.

Laws requiring firearms to be registered—on the books in only a few US states—could aid in the enforcement of private sales regulations and reduce trafficking by providing a chain of lawful ownership for law enforcement to follow.¹⁴ By comparison, many other developed countries have firearm registration systems. For example, Canada registers all firearms, although there have been recent efforts to repeal or modify that system.¹⁵ Australia introduced a national registration system after a mass shooting in Tasmania in 1996.¹⁶ Relatively few US crime guns originate in Canada, Australia or elsewhere.

Mandatory reporting of gun thefts

Another way that firearms can move from the licit to the illicit market is through theft.

Approximately 500 000 firearms are stolen from US homes annually.¹⁷ Guns may also be stolen directly from dealers. Laws that require prompt reporting of thefts enhance owner accountability. Without mandatory theft reporting, when law enforcement attempts to determine if a gun has been transferred unlawfully, an owner can more easily claim that his or her gun was stolen at some point in the past.

One-gun-per-month limits

No federal law generally prohibits purchasing more than one—or even hundreds—of firearms at one time. Only three states have one-gun-per-month laws that limit, with certain exceptions, the purchase of a firearm to a maximum of one per 30-day period.¹⁸ The purpose of these laws is to make it harder for a potential trafficker to buy many guns at one time with the intention of reselling them to prohibited buyers. An analysis of Virginia’s one-gun-per-month law indicated that the law reduced interstate trafficking of firearms originally bought in Virginia.¹⁹

Banning high-risk firearms

Some firearms—for example, low-cost, poorly made handguns known as Saturday Night Specials—may be particularly attractive for traffickers and price-sensitive criminals. Restricting the sale of these firearms can eliminate one source of inexpensive, trafficked guns.^{10 20}

Tracing the source of crime guns

Routine tracing of firearms recovered from criminals is key to the effective enforcement of each of these policies. Firearms in the US are required to have a unique serial number, enabling BATFE to identify both the dealer and the first retail purchaser of guns used in crime. Those trace data can be used by law enforcement to identify dealers who sell a disproportionate number of crime guns.²¹ Those dealers can then be subjected to heightened scrutiny.¹⁰ Individual traffickers can also be identified through trace data.

IMPLICATIONS FOR INTERNATIONAL TRAFFICKING

In general, small arms are smuggled from countries with weaker laws to those with stronger laws—just as in the US guns flow from states with weaker laws to those with stronger restrictions. The Small Arms Survey—a project of the Graduate Institute of International Studies in Geneva—reports that a large proportion of guns recovered in crimes in Mexico, Canada and even Japan were originally smuggled from the US.²²

Many of the same policies that can prevent firearms from moving from the licit to the illicit market within the US can

also prevent international firearms trafficking. Organizations such as the International Action Network on Small Arms also recommend policies such as registration, theft reporting, tracing of firearms and dealer oversight.²³

There are costs associated with implementing and enforcing each of these policies. But the direct and indirect costs of gun violence in the US alone have been estimated at approximately \$100 billion annually.²⁴ Policy makers and advocates in the US should also consider the costs and benefits of improved policies to regulate gun trafficking for the rest of the world.

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